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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,234	06/26/2003	Toshimitsu Kawase	03500.017353	4223
5514	7590	04/19/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			RIELLEY, ELIZABETH A	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

**Office Action Summary**

Application No.

10/606,234

Applicant(s)

KAWASE, TOSHIMITSU

Examiner

Elizabeth A. Rielley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 12-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/1/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of claims 1-11 in the reply filed on 4/1/05 is acknowledged.

The traversal is on the grounds that an examination of two similar inventions does not constitute a serious burden on the Examiner. This is not found persuasive because even if the Applicant does not consider the examination a burden, the election-restriction is based on the two different inventions, namely, the device and the process for manufacturing. An examination of the device does not mean that the references used to reject it will automatically be used to reject the manufacturing process, since both inventions have different features of limitations. Thus, the serious burden on the Examiner of having to search all the features of limitations directed to different inventions and to reject each invention using different references is eliminated by the proper election of invention requirement. Moreover, when searching only the elected invention, there will not be a need to search for features not stated in the elected invention, thus resulting in a reduction of the workload and in a simplification of the prosecution of the application.

The requirement is still deemed proper and is therefore made **FINAL**.

2. Claims 12-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/1/05.

### *Drawings*

3. Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

4. The drawings are objected to because a few of the reference numbers in the specification has an added "A" or "B" in front of the reference number, which is not used in the figures. For example, "A204" on page 26 line 13 and "B206" on page 26 line 22.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### *Specification*

6. Applicant is reminded of the proper language and format for an abstract of the disclosure:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawase (JP 2000-260359).

10. In regard to claims 1, 3 and 5, Kawase ('359) teaches an image display apparatus comprising: a hermetic container (paragraph 26) including, as constructive members, a first substrate (1; figure 9b) and a second substrate (900) opposite to each other (figure 9b), and an external frame (4) disposed between said first substrate and said second substrate; and image display means (12) disposed within said hermetic container (figure 9b), wherein a conductive bonding member [201; paragraph 21 states this is a glass frit, however, paragraph 42 states that the glass frit sealing member was mixed with a paste, however the only paste mentioned is the Ag paste (see paragraph 41); therefore the glass frit is conductive] for sealing both of said first (1) and second substrates (900) and said external frame (4) is disposed between one of said first substrate and said second substrate and said external frame (figure 9b), and an electric potential of said conductive bonding member is specified (paragraphs 8 and 57).

11. In regard to claims 2 and 4, Kawase ('359) teaches conductive bonding member (201) extends from a sealing area onto the surface of one of said first substrate (1) and said second (900) substrate outwardly of said hermetic container (see figure 9b; layer 201 overlaps frame 4 outwardly of the airtight seal between substrates 1 and 900).

12. In regard to claim 6, Kawase ('359) teaches an image display apparatus comprising: first (1; figure 9b) and second (900; paragraph 62) substrates opposite to each other (see figure 9b); an external frame (4) positioned between said first substrate and said second substrate (figure 9b); a first conductive member [201; paragraph 21 states this is a glass frit, however, paragraph 42 states that the glass frit sealing member was mixed with a paste, however the only paste mentioned is the Ag paste (see paragraph 41); therefore the glass frit is conductive] positioned between said external frame (4) and said first substrate (1); and a second conductive member (3a) positioned on a surface other than a surface (which will hereinafter be called an opposite surface), opposite to said first substrate, of said external frame and connected to said first conductive member (figure 9b), wherein an electric potential of said first conductive member is specified (paragraphs 8 and 57) with said second conductive member (3a) serving as an electric path (paragraph 21)

13. In regard to claims 7 and 8, Kawase ('359) teaches that the first conductive member (201) bonds the external frame to the first substrate and a hermetic seal is made (paragraph 5), and the second conductive member (3a) is conductive to an electrode (100; figure 5) provided on the second substrate layer (paragraphs 21-27).

14. In regard to claim 9, Kawase ('359) teaches a first substrate (900) is a substrate positioned closer to a user side than said second substrate ("face plate" paragraph 62).

15. In regard to claim 10, Kawase ('359) teaches a second substrate (2) is a substrate on which a plurality of wires (103; figure 6) for driving display elements is distributed (paragraphs 23-27).

16. In regard to claim 11, Kawase ('359) teaches one of said first substrate and said second substrate is a plate of which an outer shape is substantially rectangular (figure 9a), said external frame (4) is provided along this rectangular shape or provided substantially along such a shape that the rectangular shape is reduced inwards (figure 9b), and said second conductive member (3a) is positioned on the surface other than the opposite surface at a corner portion of the rectangular shape (figure 9b).

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Umetsu (US 6690032) teaches of a conductive epoxy member that functions as a bonding member.

#### *Conclusion*

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Rielley whose telephone number is 571-272-2117. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained

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from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Elizabeth Rielley

Examiner  
Art Unit 2879

msz 4/15/05  
Mariceli Santiago  
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